IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

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WRIT PETITION No.18329 of 1993

Between:

A. Subbaramaiah & Company
HP Gas Dealer, Gudur, Nellore district,

Through its Proprietor A. Subbaramaiah, S/o Chengaiah,

..... PETITIONER

AND

1 The Director of Civil Supplies,
Andhra Pradesh, Hyderabad.
2 The Joint Collector,
Nellore District at Nellore.
3 The Sub Collector,
Gudur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, calling for the records pertaining to proceedings Dt:7-9-1993 passed in DCS Ref.No.E2/1251/92 on the file of the first respondent and the order dt:21-11-1992 passed in Rc.No.C.729.92 on the file of the 2nd respondent and quash the same; and Award costs.

Counsel for the Petitioner: Mr. K.RAGHUVEER REDDY

Counsel for the Respondents 1 to 3: G.P. for Civil Supplies

The Court made the following :

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ORAL ORDER:

Heard Sri Sridhar Reddy, learned counsel representing Sri K.Raghuveer Reddy, learned counsel for the petitioner and learned Government Pleader for Civil Supplies and gone through the record.

On 21-11-1992, in exercise of his powers under Clause 28 of the Andhra Pradesh Petroleum Products (Licensing & Regulation of Supplies) Order,1980, the Joint Collector, Nellore passed a detailed order cancelling with immediate effect 'B' form licence No.1/87 held by the writ petitioner holding that the petitioner had committed irregularities as a dealer.

It was on receipt of complaints from L.P. Gas consumers of Gudur town that Sub-Collector, Gudur inspected the storage godown and verified the stock with reference to the records. As a result of inspection, report was submitted; pursuant to which, show cause notice was issued to the petitioner calling upon him to file explanation and also to show cause why action be taken for cancellation of licence for the irregularities alleged to have been committed. Reply to the show cause notice was filed. Each of the explanation offered by the petitioner was dealt with separately by the competent authority, who came to the conclusion that the gross irregularities as alleged against the petitioner stood duly proved. This order of cancellation of 'B' form licence was challenged by preferring appeal under Clause 31 of the Order before the Director of Civil Supplies, Hyderabad, who by order dated 7-9-1993 after confirming the findings, dismissed the appeal. Both the orders were challenged in the writ petition.

Learned counsel for the petitioner, with reference to the record, tried to find fault with the findings recorded by the initial authority as affirmed by the appellate authority and wanted to have the entire evidence reviewed so as to enable me to form an opinion different to the one formed by the competent authority.

In exercise of the power of judicial review, it is not permissible on reapprisal of evidence to set aside the orders of the authorities, in case the opinion formed by the competent authority is a possible view, which can be formed from the material on record. It is not demonstrated before me that the view taken by the authorities is not the possible view. Conclusions are also not shown to be perverse. On the evidence, the authorities rightly found that the irregularities were committed, which were not satisfactorily explained by the petitioner. Thus, there is no force in the writ petition and no ground is made out to interfere with the impugned order.

Writ Petition is dismissed.

November 10, 2004 **(DEVINDER GUPTA, CJ)**

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Director of Civil Supplies,
Andhra Pradesh, Hyderabad.
2 The Joint Collector,
Nellore District at Nellore.
3 The Sub Collector,
Gudur, Nellore District.

4. 2CCs to G.P. for Civil Supplies, High Court Buildings, High Court of A.P.,

Hyderabad (OUT)

5. 2CD copies